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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,537	08/22/2003	Kota Uchida	03500.015553.1	8112
5514	7590	10/15/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MOUTTET, BLAISE L	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/645,537	UCHIDA, KOTA
	Examiner	Art Unit
	Blaise L Mouttet	2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 01 September 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-4, 6, 10, 23, 45 and 46 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 6, 10, 23, 45 and 46 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. 09/901,041.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1-4, 6, 10, 23, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. US 6,012,809 in view of Ward et al. US 6,149,327.

Ikeda et al. discloses, regarding claims 1 and 23, an image recording apparatus and method for recording an image by applying a coloring material on a recording medium comprising:

recording means (25) for performing a step of applying the coloring material in accordance with image data (column 6, lines 46-54); and

conveying means (the duplex feed path 34 and rollers 17, 29, 32 of figure 1) for performing a step of conveying the recording medium so as to permit recording on both a first recording side and a second recording side of the recording medium, the conveying means including reversing means (32) for reversing the recording medium (column 11, lines 5-22) wherein

after recording on the first recording side of the recording medium, the recording medium is conveyed to a recording medium reversing position (35) such that the conveyed recording medium comes close to the reversing means (32) and then the

recording medium is conveyed to a position opposed to said recording means (25) so as to conduct recording on the second side of the recording medium (figure 1, column 11, lines 43-65).

Regarding claims 45 and 46, a computer readable storage medium and program for performing the above duplexing method steps are inherent to the automated operation by the CPU in the printer operation as explained in column 12, lines 29-38.

Ikeda et al. fails to disclose, regarding claims 1, 23, 45 and 46, that the reversing position is a waiting position and that time setting means is provided that variably sets a time that the recording medium is in the waiting position and control means is provided for controlling a conveying operation in response to the time setting means.

Ward et al. discloses, regarding claims 1, 23, 45 and 46, that a reversing position (this corresponds to the position of the recording medium M as shown in figure 6) with reversing means (60, 78) for conveying means (22) of an image recording apparatus is a waiting position wherein time setting means (19) is provided that variably sets a time that the recording medium is in the waiting position (column 8, line 66 - column 9, line 15) and control means (18) is provided for controlling a conveying operation in response to the time setting means (column 6, lines 4-14, figure 1).

Regarding claims 2-4, 6 and 10, see column 8, lines 48-65 of Ward et al., which describes that the number of applications of ink (amount of ink printed), the kind of recording medium, the recording duty (density), and amount of data for applying ink (under or overprinting) are used to determine the length of time set.

It would have been obvious to a person of ordinary skill in the inkjet art at the time of the invention to implement the reversing position of Ikeda et al. as a waiting position and provide the time setting means and control means responsive to the time setting means as taught by Ward et al. in the apparatus, method and program of Ikeda et al.

The motivation for doing so would have been to provide time for the media to dry between the first and second side printing as taught by column 1, lines 44-53 of Ward et al. and avoid ink smearing.

### ***Response to Arguments***

2. Applicant's arguments filed September 1, 2004 have been fully considered but they are not persuasive.

The applicant has argued the limitation of, after the first side recording, conveying the recording medium to the recording medium waiting position such that the conveyed recording medium comes close to the reversing means is not disclosed or suggested in the applied rejection. The examiner disagrees since Ikeda et al. teaches, after a first side recording, conveying the recording medium to a recording medium reversing position such that the conveyed recording medium comes close to reversing means and Ward suggests advantages (i.e. for allowing time for print drying) of making a reversing position with reversing means into a waiting position as explained in the above rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet who may be reached at telephone number (571) 272-2150. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, Art Unit 2853, can be reached at (571) 272-2149. The fax

Art Unit: 2853

phone number for the organization where this application or proceeding is assigned is  
(703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet October 8, 2004

BM 10/8/2004



LAMSON NGUYEN  
PRIMARY EXAMINER  
10/8/2004